



General Assembly

January Session, 2007

Raised Bill No. 7287

LCO No. 4556

04556_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING A REQUEST FOR FINAL DISPOSITION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-82c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Whenever a person has entered upon a term of imprisonment in
4 a correctional institution of this state and, during the continuance of
5 the term of imprisonment, there is pending in this state any untried
6 indictment or information against such prisoner, he shall be brought to
7 trial within one hundred twenty days if charged with the commission
8 of a felony or within sixty days if charged with the commission of a
9 misdemeanor, after [he] such prisoner or such prisoner's counsel has
10 caused to be delivered, to the state's attorney or assistant state's
11 attorney of the judicial district or geographical area, in which the
12 indictment or information is pending, and to the appropriate court,
13 written notice of the place of his imprisonment and his request for final
14 disposition to be made of the indictment or information. For good
15 cause shown in open court, the prisoner or his counsel being present,
16 the court may grant any necessary or reasonable continuance. [The
17 request of the prisoner] If the prisoner is not represented by counsel,

18 the request shall be accompanied by a certificate of the warden,
19 Community Correctional Center Administrator or other official having
20 custody of the prisoner, stating the term of commitment under which
21 the prisoner is being held, the time already served, the time remaining
22 to be served on the sentence, the amount of good time earned, the time
23 of parole eligibility of the prisoner and any decisions of the Board of
24 Pardons and Paroles relating to the prisoner.

25 (b) [The] If the prisoner is not represented by counsel in the
26 underlying untried indictment or information, the written notice and
27 request for final disposition [referred to in] under subsection (a)
28 [hereof] of this section shall be given or sent by the prisoner to the
29 warden, Community Correctional Center Administrator or other
30 official having custody of him, who shall promptly forward it together
31 with the certificate to the appropriate prosecuting official and court by
32 registered or certified mail, return receipt requested.

33 (c) The warden, Community Correctional Center Administrator or
34 other official having custody of the prisoner shall promptly inform him
35 in writing of the source and contents of any untried indictment or
36 information against him concerning which the warden, administrator
37 or other official has knowledge and of his right to make a request for
38 final disposition thereof.

39 (d) Escape from custody by the prisoner subsequent to his execution
40 of the request for final disposition [referred to in] under subsection (a)
41 [hereof] of this section shall void the request.

42 Sec. 2. Section 54-82m of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2007*):

44 In accordance with the provisions of section 51-14, the judges of the
45 Superior Court shall make such rules as they deem necessary to
46 provide a procedure to assure a speedy trial for any person charged
47 with a criminal offense on or after July 1, 1985. Such rules shall provide
48 that (1) in any case in which a plea of not guilty is entered, the trial of a

49 defendant charged in an information or indictment with the
 50 commission of a criminal offense shall commence within twelve
 51 months from the filing date of the information or indictment or from
 52 the date of the arrest, whichever is later, except that when such
 53 defendant is incarcerated in a correctional institution of this state
 54 pending such trial and is not subject to the provisions of section 54-82c,
 55 as amended by this act, the trial of such defendant shall commence
 56 within eight months if such defendant is charged with the commission
 57 of a felony or within sixty days if such defendant is charged with the
 58 commission of a misdemeanor, from the filing date of the information
 59 or indictment or from the date of arrest, whichever is later; and (2) if a
 60 defendant is not brought to trial within the time limit set forth in
 61 subdivision (1) of this section and a trial is not commenced within
 62 thirty days of a motion for a speedy trial made by the defendant at any
 63 time after such time limit has passed, the information or indictment
 64 shall be dismissed. Such rules shall include provisions to identify
 65 periods of delay caused by the action of the defendant, or the
 66 defendant's inability to stand trial, to be excluded in computing the
 67 time limits set forth in subdivision (1) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	54-82c
Sec. 2	<i>October 1, 2007</i>	54-82m

Statement of Purpose:

To make revisions to the speedy trial laws including revising the time period within which a defendant must be brought to trial depending on whether the defendant is charged with a felony or a misdemeanor and whether the defendant is held pretrial or after conviction for another crime.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]